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section 52. But it may be argued that section 27 applies only when the pledgee is suing on the note himself and not when he has exercised a special right of sale.

CARRIERS — SLEEPING CARS — LIABILITY FOR LOSS OF BAGGAGE. — The plaintiff, a passenger on defendant's Pullman car, left his bag by the side of the berth when he went to sleep at night. When he awoke in the morning the bag was gone. *Held*, that these facts alone made out a *prima facie* case of negligence. *Goldstein v. Pullman Co.*, 147 N. Y. Supp. 133 (N. Y. App. Div.).

It is generally agreed that the liability of sleeping car companies for the loss of baggage is not that of insurers, but depends on negligence. See 16 HARV. L. REV. 367. Most of the authorities also require other evidence of negligence than the mere loss of the passenger's baggage. See BEALE, INNKEEPERS, § 392. A line of Georgia cases, none of which squarely decides the point, has been the only contrary authority heretofore. *Kates v. Pullman Palace Car Co.*, 95 Ga. 810, 23 S. E. 186; *Pullman Co. v. Schaffner*, 126 Ga. 609, 55 S. E. 933. The principal case, however, apparently applies the dicta of these cases in full strictness, and holds that a *prima facie* case of negligence is made out by proving the passenger's loss of baggage on the sleeping car at night, without evidence of specific negligence on the part of the company. Such a doctrine seems a desirable development, for the situation is one where practically all the evidence is in the hands of the sleeping car company or its servants.

CONFLICT OF LAWS — SITUS OF CHOSSES IN ACTION — SITUS OF PROMISSORY NOTES FOR PURPOSES OF TAXATION. — A non-resident died out of the state, leaving in a New York safe deposit vault promissory notes made by residents of Virginia and Illinois. *Held*, that the notes are "property within the state" subject to transfer tax under NEW YORK LAWS OF 1905, c. 368, § 1. *Wheeler v. Sohmer*, 34 Sup. Ct. 607.

For purposes of assessment it is commonly stated that a debt has its situs at the creditor's domicile. *Kirtland v. Hotchkiss*, 100 U. S. 491. More accurately, the creditor personally is assessed according to the value of his personal assets, whatever their situs. See 27 HARV. L. REV. 107, 114. The truth is that a debt, as such, can have no actual situs. But from ancient times it has been the law that a debt represented by a specialty is situated where the bond is. *Byron v. Byron*, Croke Eliz. 472. *Commissioner of Stamps v. Hope*, [1891] A. C. 476. Four justices in the principal case extend this primitive conception to negotiable instruments, despite the contrary authority of *Buck v. Beach*, 206 U. S. 392. Five justices reject this view, but of these two concur in the decision, holding that New York has jurisdiction over the transfer of the notes, though their situs is elsewhere. *Blackstone v. Miller*, 188 U. S. 189. See *Buck v. Beach*, *supra*, 408. A negotiable instrument does in fact give the debt concrete form, and is considered tangible property for many purposes. See *New Orleans v. Stempel*, 175 U. S. 309. Moreover, it may be sold for cash anywhere by mere indorsement, and so has a marketable value at the place where the paper is located. *Blain v. Irby*, 25 Kan. 499. See 21 HARV. L. REV. 50. The leading opinion of the principal case has, therefore, both logical and practical justification. *Fisher v. Commissioners of Rush County*, 19 Kan. 414. *Contra*, *Yeoman v. Bradshaw*, Holt, 42. The concurring opinion is hard to justify, except by precedent. For artificial reasoning must be adopted to establish jurisdiction over a transfer of property owned by non-residents and assumed to be outside the state.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — PIPE-LINE AMENDMENT TO INTERSTATE COMMERCE ACT. — By an amendment to the Interstate Commerce Act of 1906, Congress provided that all pipe lines engaged in the inter-

state transportation of oil should be held common carriers. The act was construed to apply to all pipe lines which transported oil from other wells but their own, irrespective of whether they professed to carry for the public. *Held*, that the act, so construed, is constitutional. *United States v. Ohio Oil Co.*, 34 Sup. Ct. 956.

For a discussion of this case in the lower court, see 26 HARV. L. REV. 631. For an analysis in connection with the Insurance Rate Case, see NOTES, p. 84.

CONSTITUTIONAL LAW — PERSONAL RIGHTS — LIBERTY TO CONTRACT — LEGISLATIVE MINIMUM WAGE FOR WOMEN AND MINORS. — A state legislature passed an act creating a commission to declare standards of conditions of labor, hours of labor and minimum wages for women and minor workers in any industry. Failure of an employer to comply with the standards thus to be imposed was made a misdemeanor. Suit was brought to enjoin enforcement of a ruling of the commission fixing a minimum wage for women employed in factories. *Held*, that the act is constitutional. *Stettler v. O'Hara*, 139 Pac. 743 (Ore.).

For a discussion of this case and a comparison of the principles involved in minimum wage and maximum hours statutes, see this issue of the REVIEW, p. 89.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE: DELEGATION OF POWERS — DELEGATION OF POWER TO ADMINISTRATIVE OFFICIALS. — The Legislative Assembly of Porto Rico by statute levied a license tax on certain businesses and empowered the Insular Treasurer to classify each one of such businesses into one of five classes based on its importance and volume in comparison with other businesses. The defendant, an officer of a company taxable under this statute, refused to furnish the Treasurer with accounts necessary to assist him in his classification; whereupon mandamus was brought and resisted on the ground that the statute was unconstitutional. *Held*, that the writ of mandamus should be issued. *People of Porto Rico v. Neagle*, Sup. Ct. P. R., Aug. 1, 1914 (not yet reported).

For a discussion of the interesting question in administrative law here involved, see this issue of the REVIEW, p. 95.

CONSTITUTIONAL LAW — PRIVILEGES, IMMUNITIES AND CLASS LEGISLATION — VALIDITY OF STATE ANTI-TRUST ACT EXEMPTING COMBINATIONS OF LABOR. — The Missouri Anti-Trust Acts, as interpreted by the Supreme Court of the state, applied only to combinations of manufacturers and vendors and exempted associations of wage-earners from the statutory prohibitions against combinations to lessen competition and regulate prices. *Held*, that the statutes, as interpreted, do not violate the constitutional guaranty of equal protection of the laws. *International Harvester Co. v. Missouri*, 34 Sup. Ct. 859.

The Fourteenth Amendment does not prohibit a state legislature from passing acts regulating certain classes of persons and property and leaving others unregulated. *Soon Hing v. Crowley*, 113 U. S. 703. The laws may also operate differently upon the various classes, but the classification must be based upon a reasonable difference in the subjects of the legislation and must apply equally to all members of the classes defined. *Barbier v. Connolly*, 113 U. S. 27, 31. And it is not enough to invalidate the statute that the court does not think its policy a wise one. *Missouri Pacific Ry. Co. v. Humes*, 115 U. S. 512. The difficulty arises in deciding when the legislative classification has become vicious. The older cases drew the line much more narrowly than we find it drawn in the principal case. Thus the Illinois Anti-Trust Act was declared